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# In the Nation

## The Issues in the Dodd Case

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WASHINGTON, April 23—The specific subject of inquiry by the Senate Select Committee on Standards and Conduct is whether Senator Thomas J. Dodd of Connecticut violated the ethical code which should govern a public official in his uses of the more than \$100,000 raised at "testimonial" dinners to defray personal expenses. A corollary issue is the ruling of the Internal Revenue Service that when such funds are contributed as "gifts," with the intent of showing "appreciation of public services," they are not taxable as income of the recipient.

The issue of ethics is for the committee, and then the Senate, to resolve, though public opinion will not necessarily support the finding. But if, as a member of Dodd's official staff told this newspaper, the Senator used some of the money to liquidate a deficit in the costs of his 1958 election campaign and to build up "a war chest" in advance of his renomination and re-election in 1964, the I.R.S. will be confronted with a show-cause for its tax-free ruling in this case, a demand already initiated by Senator Williams of Delaware.

### Embarrassing for All

It is an embarrassing situation for all directly involved, and for Senator Dodd it carries the seeds of political disaster. There are no more high-minded men in the Senate than the members of the committee—Stennis of Mississippi, Monroney of Oklahoma, McCarthy of Minnesota, Bennett of Utah, Cooper of Kentucky and Pearson of Kansas. They suspect that Dodd may be only one member of Congress whose unpaid obligations have been met by funds raised at "testimonial" dinners. And they are well aware that these unpaid obligations have usually been incurred in the effort to get and retain seats in Congress.

Therefore, in addition to the ethi-

cal judgment that goes with their assignment to fix the standards by which Senators should be governed, they must make another. It is whether to confine their inquiry to Dodd's case, which is before them only because it became public knowledge, or look into statements that it is anything but exceptional among their Congressional brethren.

### Hearings Slated

Such a statement has been put on the record by Town Chairman Arthur Barbieri of New Haven, who marshaled and presided over a third dinner for Dodd, in 1965, which produced another "testimonial" gift for the Connecticut Senator and was addressed by Vice President Humphrey. (President Johnson, when Vice President, had made the principal speech at two earlier and similar affairs.) Barbieri, insisting "the money was not designated for campaign purposes, but was turned over to be used at his [Dodd's] personal discretion," went on to say that the practice is general in behalf "of any Senator or Congressman," and that he had just chaired a dinner for Representative Gialmo of Connecticut at which \$35,000 was raised as a similar "gift."

There are to be hearings before the Senate group, popularly known as "the Ethics Committee," at which the evidence either could generate public pressure for thus broadening the inquiry or limit it to the funds raised for Dodd, and his uses of them.

In the present posture of the case the limitation could be well justified for several reasons: (1) It is the only one before the committee, since Barbieri did not support his statement with any citation of fact except with the respect to a member of the House, and the Senate committee's writ does not run there. (2) According to mem-

bers of the defense made in Dodd's behalf—that funds were tax-free because they were a testimonial "gift"—from press interviews with persons on his staff, not from his own statement to the committee. (3) The current reports of the dinners in Connecticut newspapers were that the funds were raised for his past and prospective campaign expenses, and, according to Democratic National Chairman John Bailey, this was also his understanding and the basis on which he made his contribution.

These circumstances, centering in Senator Dodd and the claim that the funds come under the tax-free ruling of the I.R.S. as "gifts," however he chose to use them, provide ample material for an inquiry limited to his case. But even among colleagues who have not been the beneficiaries of "gifts" of money by similar or other testimonials of "appreciation of their public services" there is a great deal of sympathy for Senator Dodd. Some has its source in the knowledge, belief or impression that a round-up would disclose other members of Congress in the plight in which Dodd now finds himself. But the principal source is the means by which these matters became public.

### Columnists Got Files

Without his knowledge or consent, his office files relating to these transactions were turned over, by some having access to these files, to two associated newspaper columnists, Drew Pearson and Jack Anderson, and eventually published in a series of articles.

But, while they may have caused even the most ethical of legislators to take a new, close look at the members of his staff, and have produced suggestions to the Select Senate Committee and the Department of Justice that they make a search for the donor of the documents and his motive, the publications plainly imposed the inquiry which the committee and the I.R.S. are now engaged in.

Meanwhile, some of the causes for which Senator Dodd crusades have inevitably been damaged by the published material. Though everyone professes fidelity to the principle that the accused is innocent until proved guilty, few give it more than lip service.